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UNITED STATES OF AMERICA.



U. S. Army. Military Division of the Missouri.

CORRESPONDENCE

—BETWEEN—

GENERAL POPE,

Commanding Military Division of the Missouri,

AND HIS EXCELLENCY,

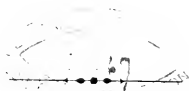
GOV. FLETCHER,

CONCERNING THE

CONDITION OF AFFAIRS IN MISSOURI,

AND THE

RELATION OF THE MILITARY FORCES THERETO.



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HEADQUARTERS, MILITARY DIVISION OF THE MISSOURI,

St. Louis, Mo., *March 10th*, 1865.

GENERAL ORDERS, }
No. 2. }

The following correspondence is published for the information of all Military Commanders in the Division of the Missouri.

BY COMMAND OF MAJOR GENERAL POPE :

J. McC. BELL,
Assistant Adjutant General.

LETTER FROM GOVERNOR FLETCHER.

LINDELL HOTEL, March 2, 1865.

GENERAL : In order that I may be able to determine as to the propriety of the use of some of the means I have in contemplation for the future security of the people of Missouri. I have the honor to request that you will give me your views as to the best uses of the military forces of the United States in this Department, and their relation to the present and prospective condition of this State.

I am, very respectfully, your obedient servant,

THOS. C. FLETCHER.

MAJOR GENERAL POPE,

Comdg. Military Division of the Missouri.

LETTER FROM GENERAL POPE.

HEAD QUARTERS MILITARY DIVISION OF THE MISSOURI.

ST. LOUIS, March 3, 1865.

GOVERNOR: I have the honor to acknowledge the receipt of your letter of the 2d inst., asking my views as to "the best uses of the U. S. military forces, and their relation to the present and prospective condition of this State," in view of certain measures contemplated by you for the future security of the people of Missouri.

Although in replying to your letter I shall be obliged to notice a condition of things not pleasant to contemplate, I have sufficient confidence in the good sense and practical judgment of the people of Missouri, as exhibited in the late elections and in the measures adopted by your Legislature and State Convention, to feel confident that they are prepared to meet and settle any questions affecting the welfare and prosperity of the State, however grave or unpleasant.

Until I reached this city, I had supposed that the difficulties which had disturbed the State for the past three years had either been practically settled, or were in a fair way of settlement, and that Missouri would soon resume the full exercise of her civil functions, and dispense entirely with the cumbersome, inefficient, and altogether anomalous machinery of provost marshals, provost guards, and military supervision. I knew that the Union party at the fall elections had carried the State by an overwhelming majority, and that a loyal Governor and a loyal Legislature were now in power at Jefferson City. It did not seem too much to expect of the opposition party in Missouri, that a large portion of it would at least be opposed to the whole guerilla system, which has so long afflicted the State, and would, like all reasonable men, regard bushwhackers as the destroyers of all civil organization and the enemies of mankind.

I knew that since Price was driven from the State, no organized force of the enemy could be found within the borders of Missouri. I fully believed in the capacity of the American people for self-government, and their determination to retain it; and I presumed of course that the people of Missouri had at once, and earnestly, assumed the performance of their civil duties, and were rapidly placing the State in the position it ought always to have occupied. I hoped to find the military forces in process of being relieved from the anomalous and anti-American functions which had been forced upon them by the extraordinary necessities of the past three years, and concentrated for service in other fields, and against the organized forces of the enemy.

I need not tell you, however, that such is by no means the condition of things which I find in Missouri. On the contrary, there has not been a time since the rebellion began when your civil affairs have been more under the control of a military police than they are to-day. I am glad to be informed, by many of your most loyal and respectable citizens, that order has been, to a great extent, preserved, and treason overawed, by the action of the military guards and Provost Marshals in this State; and those who complain of oppression or irregularity on the part of Provost Marshals in the performance of their duties must remember that the adoption of martial law was essential to the safety of the State; that under martial law Provost Marshals must necessarily come into existence, and the exercise of great power may, in some instances, be confided to men who subsequently prove unworthy of their trusts. The only wonder is that there have been so few wrongs committed, and so few rights invaded, during the existence of such a condition of government in Missouri. But it is surely needless to say that the longer such a system is continued the greater will be the liability to abuse; and, as a logical result, what are now rare and exceptional cases of outrage and injustice on the part of the Provost Marshals and soldiers, will gradually but surely become of far more general occurrence; and you may expect finally to see your State under the complete dominion of the military. There will then be scarce a square yard of the State which will not enjoy the felicity of some military functionary. They will come to perform the duties of all the civil magistrates—to be the final judges of all things. Into every province of civil law, and even of domestic life, these military officials will in time most assuredly intrude, and become the final arbiters of both morals and manners.

What will become of the citizen under this extraordinary state of government? The simple mention of a few instances, I trust exceptional, which have been brought to my knowledge by undoubted authority since my arrival in St. Louis, will sufficiently answer:

By the authorities in Washington my attention has been called to the fact that Provost Marshals in several districts of Missouri are seizing and selling property, themselves being the judges of law and fact, and the custodians and disposers of the property involved. Another instance: An application was made since my arrival here for an order to take a military guard across the river into the State of Illinois, and arrest a citizen of that State, living twenty miles distant, and bring him to the military prison in this city, because a colored man, also living in Illinois, complained that the white man owed him for several days' labor, and had abused him when he asked for the money. Another case, mentioned to me by a loyal gentleman of this city, a man

of high character and undoubted veracity. A quarrel occurred between a man and his wife, in one of the interior towns of the State, in which, on complaint of the wife, the Provost Marshal arrested the husband, made him divide his property with his wife, and then banished him from the State. These are some of the cases (rare and exceptional, it is to be hoped,) which have already occurred. What would be the condition of things after long persistence in a system which logically and surely tends to such abuses?

If it were not sad and humiliating, it would be ludicrous, to see citizens, the most distinguished in position and intelligence, appealing for justice and protection to a Provost Marshal and invoking his decision of grave questions affecting life, liberty and property.

As I said before, there are no organized forces of the enemy in the State, and I doubt not that twenty bushwhackers to each county would be considered a liberal estimate of the number of these enemies to mankind. In some counties there are doubtless more, in others fewer—but even in those counties most infested by them, they bear an absurdly small proportion to the inhabitants. These are all the enemies of peace and quiet now to be found within the borders of Missouri, and they are equally the enemies of every man in the State who has anything to lose.

Can there be a man in Missouri willing to admit that if every soldier were to-day withdrawn from the State, the people would be unable to exterminate these small parties of robbers and thieves; in other words, to say that the people of Missouri are incapable of self-government, unable to execute the laws which they themselves have made, against these ridiculously small parties of outlaws and vagrants? Who does not know that the State is abundantly able to free herself from these pests, if the people will only do their duty, and that duty the very first ever performed by man and equally recognized by all classes and conditions of men?

This seeming neglect of the duty and the privilege of American citizens, a duty by the strict performance of which alone can we maintain our freedom and our free institutions, is to be attributed mainly, I think, if not wholly, to an alarming and fatal tendency among the people, which I have been astonished and dismayed to notice elsewhere in more favored regions, to surrender to the military the execution of the laws, and thus to abandon all safeguards against tyranny and oppression, and to pass unconsciously into a condition of acquiescence in the complete dominion of military authority. Once let the American people abandon themselves to this practice,

which indulgence confirms into habit, and their liberties are gone from them forever.

It is hardly necessary to say that under free institutions, the military is subordinate to the civil power, and that the life of a free government depends upon maintaining this relation. There are, no doubt, occasions where, in consequence of the presence of the enemy, or other extraordinary cause, martial law may become necessary in certain limited sections of the country : but such violent and exceptional reversal of the true condition of things, should in every case be made to terminate with the immediate necessity which justified it.

There is no doubt that for a long time after the rebellion was inaugurated, military authority was necessarily and properly made to supersede the civil power in Missouri, and perhaps that necessity existed until the inauguration of a new State government at Jefferson City. It would seem, however, that such a necessity should not exist much longer. I presume we will agree that not one step should ever have been taken in the direction of military supremacy except what was essentially necessary. Yet I find that although the pressure of that necessity was far stronger in Missouri in 1861 than to-day, and although in those days the enemies of the State and of the Union occupied one-half of the State with organized armies, and the malcontents who remained at home were infinitely more active and more dangerous, because more hopeful, the extent of the military jurisdiction was trifling in comparison with what I now find it. There can be no reason for such a state of things, except that people once accustomed to yield their civil jurisdiction from the pressure of temporary necessity, soon acquire the habit of acquiescence after discovering how much trouble it spares them, and how much more easy it is, instead of performing their civil duties themselves, to devolve them upon soldiers and Provost Marshals. If a man is murdered, if a house is robbed, if any breach of civil law is committed, how much easier it is to write a note to the nearest Provost Marshal informing him of the fact, and then remain quietly at home attending to one's business, than to be summoned on a jury, called out as one of a *posse*, or in any other manner put to inconvenience. According to statements made to me by many of your citizens, this practice prevails to an alarming extent in this State, and unless it can be arrested and the citizens induced to resume the performance of their duties, I can see no redemption for Missouri.

If the war were ended to-day, and the Union restored, I do not see that the condition of your State would be at all bettered. On the contrary, the thousands of your people who are in the rebel armies,

being disbanded and returning to Missouri, lawless vagrants, without the means of livelihood or the inclination to work, would simply reinforce the small bands of bushwhackers and outlaws which now infest the State. The troops, too, now stationed in Missouri, would be disbanded by a return of peace, and the people of the State would at last be brought face to face with this question, and without the advantages which they now possess. This question must some day be met and settled by the people themselves. Is there likely to be a more favorable season than now? On the contrary, does not every day lost increase the difficulty? Is it likely that the people will be more willing or more able in one year or ten years to resume the performance of their civil duties than they are to-day? If they be more willing, will they have the same aid then that they can have now in the undertaking?

To resume the functions of civil government in Missouri will undoubtedly, at the outset, be a work full of labor and sacrifice, and will require unusual fortitude and determination on the part of the people: but as it is a work which must be done sooner or later, and as there can never, to human foresight, be a better opportunity for that purpose than the present, surely now is the time to do it.

Some of your people object that they have no organizations, and wish me to issue orders to assist them in organizing; but such orders have again and again been issued without producing the effect. General or special orders from military commanders can never infuse into the people what alone is needed—and without which nothing can be effected—an earnest, resolute determination to act for themselves, to resume their manhood and their civil privileges, and to put down the outlaws who obstruct the execution of the laws and deprecate upon the people.

Any organization for such a purpose, to be at all effectual, in fact to possess any vitality whatever, must originate with the people themselves, and be controlled by them. It is useless to talk of the people co-operating with the military in carrying on a war of extermination against guerrillas and outlaws, or in efforts to resume control of the civil administration of your State. It is the military who should co-operate with and aid the people, not the people the military. This distinction may not be obvious at first glance, but it is a distinction vital to success.

Since certain orders, issued by me in 1861, for the preservation of peace in North Missouri, have been mentioned in terms of approval by public speakers in this city, and alluded to with favor, in personal interviews, by many of your citizens, it may not be improper for me

to state that it was the same earnest action of the people which is now proposed for the preservation of peace and the execution of civil law, which I undertook to secure in North Missouri in 1861, by the orders referred to. These orders were suspended and countermanded by higher authority than mine. At the time a majority of the people of Missouri were not prepared for what was then considered an extreme measure.

I believed then that the orders issued would force such action as would lead to peace in the absence of organized armies of the enemy. I have seen no reason since to change that opinion, but find you to-day far better prepared for the extremest measures to secure peace in the State than you were then for orders which in these days would be considered anything but radical.

If these orders be approved, why not adopt now the popular action which they then recommended? The people of Missouri are able to enforce law and preserve peace in the State, if only they use their power cordially and earnestly. Is it not better to use your civil officers to execute your laws than have them executed by provost marshals? The military forces under my command can and will render you the same service in either case. It is only suggested to you that, for the present, you replace the provost marshals by your civil officers, and let the military force required be applied under their direction, and in conformity to law, and not under direction of a provost marshal, and in conformity with his discretion. May it not be apprehended, too, that your militia, a large and controlling body of your own citizens, are being educated into habits of disrespect for your civil authorities, and irreverence for civil law, by being encouraged or permitted to usurp jurisdiction of civil questions through provost marshals or military commanders. The lesson of irreverence is soon learned, but of all lessons it is the most difficult to unlearn. What reason have the people of Missouri to believe that their militia, once taught such a lesson, will unlearn it whenever it is found convenient to resume civil jurisdiction? Is it not better, and far more likely to secure respect for your civil authorities, to require the troops to act under your civil officers in accordance with the laws of the country? Certainly the change from Provost Marshals to civil officers in regulating the action of the military in civil matters, can be easily made, and without the slightest danger of impairing the efficiency of the military arm for that purpose.

Some have said that Missouri is not entirely regenerated, and that although a loyal Governor and Legislature have been elected yet there remain still in office many men who are neither loyal or trust-

worthy. The answer to this is found in resolutions now before your State Convention. That Convention embodies the sovereign power of Missouri, and can to-day vacate all or any of the civil offices in the State and provide for filling them by the Governor of the State. Until you have not only loyal men, but energetic and determined men, who will do their duty with vigor and boldness, holding every office in the State, it seems useless for your Legislature to enact laws. In fact, it is child's play to meet in Jefferson City to make laws which are either not executed at all, or must be executed to the extent and in the manner which suits the judgment or the fancy of Provost Marshals or military commanders. Until the people of Missouri are ready and willing to put forth their whole power to enforce the laws they themselves have made, it is a farce to legislate.

I do not wish to be understood as advocating any abrupt or sudden change in the present condition of things. I only offer some reasons why Missouri should take the first steps toward a resumption of her civil functions. Surely, all portions of the State are not equally unsettled. In some counties it is probable that civil law is enforced, and that neither martial law nor soldiers are necessary. In other counties, not so fortunately situated, why will it not be well to take steps at once to at least begin the resumption of civil administration, aided, if necessary, by the military? A little time only will be required, if civil law is promptly administered, even with the aid of soldiers, to make the people feel strong enough to execute the laws themselves. Of course I am supposing that the civil officers act vigorously and efficiently; that they originate what is to be done, and that the soldiers act only under their call and on their authority. Slowly and gradually, county by county, the State could resume its own administration and dispense with the military.

It is by such gradual and careful process that it seems to me certain results can be obtained.

Once let us make a beginning, and keep steadily and constantly in view, in everything that is done, that the final object is the restoration of civil administration, and it will not be found a long nor a difficult task to accomplish the result.

But this end must never be lost sight of, and all arbitrary or exceptional acts must be carefully avoided or done only under the strongest and plainest necessity. Martial law seems essential now to the protection of life and property and to the preservation of the State from utter lawlessness, because it seems to be the only law which is generally enforced. Until the people provide officers to execute their

laws, who will be supported in doing so not only by the soldiers, but by the great body of the citizens, martial law is your only protection against violence and outrage. It rests with the people to replace it by civil law, and that this can be gradually but surely done there is not a doubt.

It seems idle to dwell upon the absolute necessity of returning to your civil status in the Union. Not only are your lives, liberties and possessions at stake in this matter, but every moral and material interest of the State is involved. Neither peace nor security at home, nor emigration from abroad, can reasonably be expected under the state of things which now obtains in Missouri. It is hardly to be considered probable that people living in other States where they have always possessed their civil rights and enjoyed the protection of civil law, will find any temptation sufficient to induce them to emigrate to Missouri and submit themselves to the risk of the present uncertain and exceptional protection of life and property which is offered.

I trust that no one will believe that the military desire to continue this state of things. I say for them, as their commander, that nothing would be more satisfactory to them than to relinquish all connection with your civil affairs, and to be transferred to some field where they would confront the organized forces of the enemy, and where their presence with our armies might determine the fate of battles. The only duty which should now be required of the General Government is to protect your State from an invasion of the organized forces of the enemy. The proper position for United States troops assigned to such duty is some point on the Arkansas river. How can troops be sent there, when all the forces which can be spared for the defense of Missouri are, on demand of your people, kept scattered over the State, on the plea that they are needed for protection against a few outlaws and robbers?

If I accept the views expressed to me by many of your citizens, more troops are required for this service than would be sufficient to beat the largest army that ever yet undertook the invasion of the State. It is said that the disloyal men in the State harbor and assist the bushwhackers. Such service is extremely hazardous, and if these statements be true, a boldness and a spirit are exhibited by your disloyal citizens, of which, if a tithe were exhibited by the loyal men, not a "bushwhacker" would be found in Missouri at the end of sixty days. Guerrillas and bushwhackers were never yet and never will be put down by the operation of a military force alone.

How is it in Missouri? A company of troops is stationed in a village or neighborhood to protect the people against these outlaws.

Two or three bushwhackers come into the town or perhaps live in it, and commit robbery and murder in some house. Before the troops are notified and get to the ground, the criminals have either fled or mingled with the crowd, and although every citizen in the place knows precisely who were the offenders, where they live or who harbors them, not a word of information on the subject can be had from them, lest the next night some of the party or some of their friends burn the house or take the life of the informers. Is it expected that the troops, thus of necessity groping in the dark, can put down these outlaws, when the very men needing, perhaps, certainly asking, the protection of a military force, will not even give the slightest information necessary to identify the guilty or the dangerous parties? That this is really the condition of facts, I think you know. That it was so in 1861 and 1862, I know by my own experience in Missouri in those years.

What ground is there for believing that a military force, in the face of such inaction and fear on the part of the people, will ever be able to find out who the bushwhackers are, to say nothing of finding out where they are, or of exterminating them? The fact is, that in many parts of the interior of the State the people are living under a reign of terror, dominated over and paralyzed by a ridiculously small number of outlaws and vagabonds. It is useless to comment upon such an exhibition of—I will not say what—on the part of a large body of American people. It is only necessary here to express the conviction that just as long as this this strange paralysis continues, just so long will the people of Missouri be harrassed and plundered by bushwhackers, or by any other lawless vagabonds. All the troops in the world could not, under present circumstances, prevent it.

We come back then to the same question—Do the people of Missouri intend to rouse themselves and execute, as well as make, their own laws? A single example of the trial of one of these outlaws before your courts, and his execution by your civil authorities, would do more to put an end to bushwhacking in Missouri than a thousand military executions. Strip these rogues of respectability borrowed from the notion that they are armed enemies and Southern soldiers, and reduce them, by actual trial and punishment before your courts, to their true status as outlaws and ruffians, guilty of theft and arson, and you will deal them and their sympathizers such a blow as will go far to end the business. In this undertaking you shall have all the assistance the military can render you. The military forces employed shall act under the direction of your civil officers according to law and the practice in times past. They can thus render you as much assistance as in any other manner, and the result of a success achieved

under such circumstances will be of infinitely more benefit to you than a thousand successes achieved by the military alone.

I trust I shall be pardoned for so much reiteration, but plain as are the principles set forth, and familiar as they ought to be, and doubtless are, to all Americans, they seem to me to be regarded in Missouri as mere abstractions, which are true, certainly, but hardly vital enough to control the action of the people.

I stand ready to aid the people of Missouri, by all the means at my command, to resume their status as citizens. I will render them both by word and deed every assistance which will tend to restore civil government in Missouri, and most promptly and cheerfully, when they have done this, will I withdraw the troops under my command to their true position, under the Constitution and Laws of the United States. It is only necessary to put reliable men into every civil office, and to enact such laws as are necessary to restore peace and civil rights in Missouri. The soldiers under my command stand ready at all times to respond to the call of your civil officers, and to act under their direction in helping to enforce the laws of the State. Such is the position they ought now to occupy, and such is the position which under the action of your State Convention and of the State Government at Jefferson City, I trust they will be permitted to occupy in the shortest possible period.

Of course I cannot indicate to you what I intend to do, because you may readily understand from the foregoing remarks that any measures which I shall adopt must of necessity depend upon the action of the people of Missouri. If they will only resume their civil rights and privileges, administer civil government and set to work to execute their own laws, I stand ready to put an end to military jurisdiction at a moment's notice. I will give all the aid of the military to assist in reducing us to this subordinate position, but until then I am compelled to retain and administer martial law in the State. Unless you do it, and that promptly, civil liberty and free institutions in this country will have received a discouraging blow.

If Missouri, without an armed enemy within her borders, with a loyal State Executive and civil officers, with an enormous majority of loyal citizens, and with all the aid the General Government is now giving her, cannot resume her civil functions and execute her laws—in other words conduct her local administration—what can be hoped for the States further South, which do not possess the same advantages?

The example of Missouri, then, is of the last importance in re-establishing the Union. If she fails even to attempt to administer

her State Government, with a large force of United States troops to aid her, it would seem almost hopeless to make the experiment elsewhere. Missouri successful, and the problem of re-establishing civil Government in the States farther South is far advanced towards solution. Only earnestness and resolution are required. Can these qualities be wanting in your people? Your State Convention has emancipated the negroes—a great work, well and bravely done. Cannot the people of Missouri now emancipate themselves? Can they not free themselves from the necessity of martial law? Can they not resume the performance of their duty as citizens, and execute as well as make their own laws?

With great respect, Governor.

Your obedient servant,

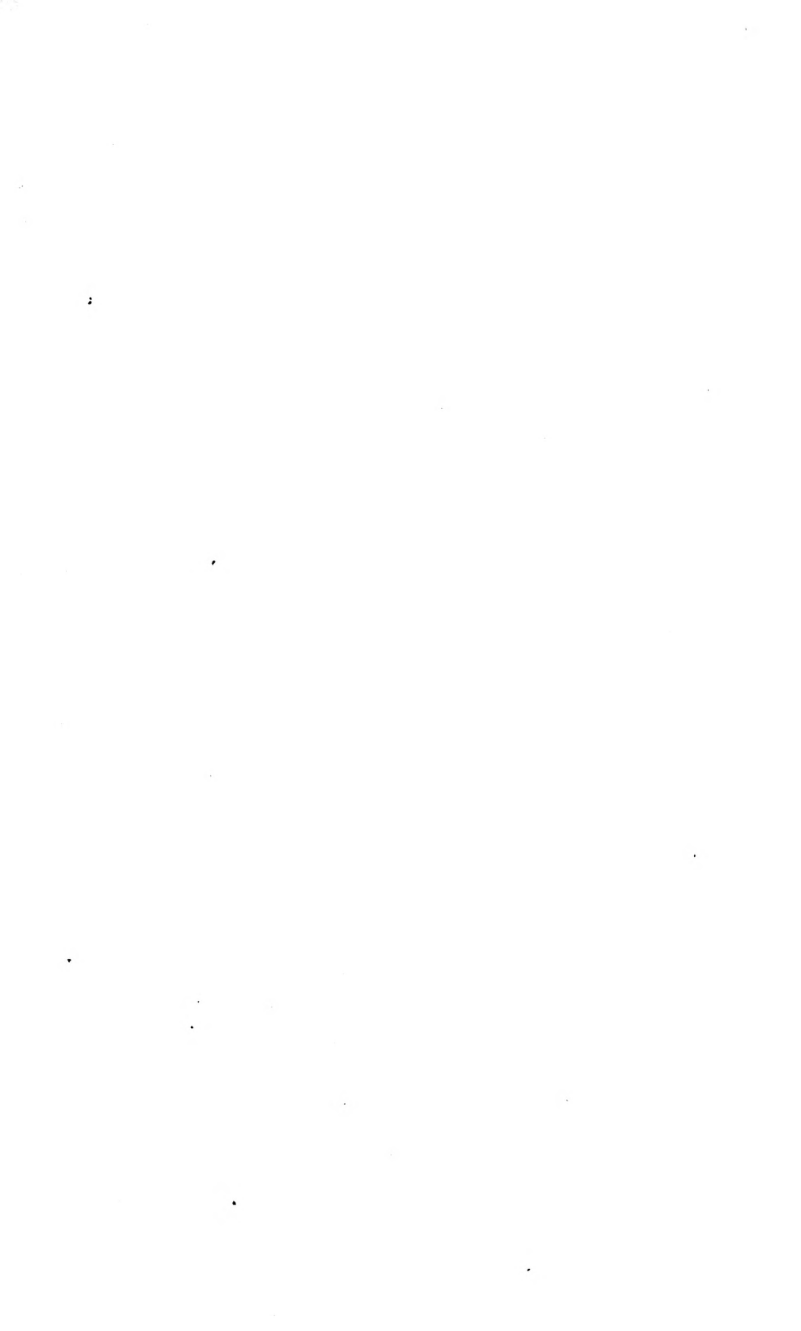
JOHN POPE.

Major General Commanding.

HON. THOMAS C. FLETCHER, Governor of Missouri.

OFFICIAL :

Assistant Adjutant General.



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